

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Kevin Richardson,

Petitioner,

v.

Warden,  
Warren Correctional Institution,

Respondent.

Case No. 1:13cv115

Judge Michael R. Barrett

**ORDER**

This matter is before the Court upon the Magistrate Judge's June 6, 2013, Report and Recommendation ("R&R") dismissing Petitioner's *pro se* habeas petition for lack of prosecution. (Doc. 4).

The parties were given proper notice, pursuant to 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Petitioner filed timely Objections to the R&R. (Doc. 6). For the following reasons this Court overrules Petitioner's objections and adopts the Magistrate Judge's R&R.

Petitioner Kevin Richardson is a prisoner in state custody at the Warren Correctional Institution ("WCI"). On February 14, 2013, Petitioner filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 3, 2013, the Magistrate Judge entered a Deficiency Order, which informed Petitioner that he was either required to pay the \$5.00 filing fee or submit a motion for leave to proceed *in*

*forma pauperis* within thirty days. (Doc. 2). Petitioner did neither. In his Objections, Petitioner explains that the cashier at WCI failed to promptly process and forward his *in forma pauperis* application. (Doc. 6). Petitioner asked for a thirty-day extension so that he can submit a second *in forma pauperis* application to the cashier, and if that application is not processed within two weeks, he will ask his family to pay the \$5.00 filing fee. Over a year has passed, and Petitioner has not paid the filing fee or filed a motion for leave to proceed *in forma pauperis*. Accordingly, the Court adopts the Magistrate Judge's June 6, 2013 R&R (Doc. 4).

Based on the foregoing, it is hereby **ORDERED** that:

1. Petitioner's *pro se* habeas petition is **DISMISSED** for lack of prosecution.
2. This matter shall be **CLOSED** and **TERMINATED** from the docket of this Court.

**IT IS SO ORDERED.**

/s/ Michael R. Barrett  
JUDGE MICHAEL R. BARRETT